

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Caroline Surman	Team: Squad #5	CCRB Case #: 201607773	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 09/08/2016 3:30 PM	Location of Incident: West 105th Street and Columbus Avenue	Precinct: 24	18 Mo. SOL 3/8/2018	EO SOL 3/8/2018	
Date/Time CV Reported Mon, 09/12/2016 2:42 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 09/12/2016 2:42 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Fernando Bonilla	2196	947717	NARCBMN
2. DT3 Richard Alvarez	01415	921051	NARCBMN
3. LT Thomas Fabrizi	00000	938464	NARCBMN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Richard Alvarez	Abuse: Detective Richard Alvarez stopped § 87(2)(b)	
B.LT Thomas Fabrizi	Abuse: Lieutenant Thomas Fabrizi stopped § 87(2)(b)	
C.DT3 Fernando Bonilla	Abuse: Detective Fernando Bonilla stopped § 87(2)(b)	
D.DT3 Richard Alvarez	Abuse: Detective Richard Alvarez questioned § 87(2)(b)	
E.DT3 Richard Alvarez	Abuse: Detective Richard Alvarez frisked § 87(2)(b)	

Complaint Summary

On September 12, 2016, § 87(2)(b) filed the following complaint with the CCRB via phone. On September 8, 2016, at approximately 3:30 p.m., § 87(2)(b) was walking north on Columbus Avenue towards his workplace at § 87(2)(b) in Manhattan. At the southeast corner of the Columbus Avenue and West 105th Street intersection, Det. Richard Alvarez stopped § 87(2)(b) and was quickly joined by Lt. Thomas Fabrizi and Det. Fernando Bonilla, all from the Narcotics Borough Manhattan North command (**Allegation A, B, and C**). Det. Alvarez asked § 87(2)(b) if he had bought anything during his walk (**Allegation D**). § 87(2)(b) answered that he had not bought anything, produced his license, and suggested the officers pat him down. Det. Alvarez frisked § 87(2)(b)'s chest, sides, backside, and lower legs (**Allegation E**). After the frisk, § 87(2)(b) allegedly requested the officers' shield numbers. The officers verbally provided their shield numbers which § 87(2)(b) wrote down immediately. Det. Alvarez returned § 87(2)(b)'s license and § 87(2)(b) walked west on 105th Street towards his workplace. Det. Alvarez and Det. Bonilla also walked west on 105th Street and Lt. Fabrizi walked south on Columbus Avenue.

§ 87(2)(b) provided officer descriptions during his in-person CCRB interview on September 15, 2016. § 87(2)(b) described the officer who frisked him as a dark-skinned Hispanic male between 5'8" and 5'9" in height, 225 pounds in weight, short black hair, and is between 38-40 years old. According to his service photo, Det. Richard Alvarez is a dark-skinned Hispanic male, who is 5'7" tall, weighs 170 pounds, has brown eyes, is bald, and 44-years-old. § 87(2)(b) stated PO1's shield number was "8415." Det. Alvarez's shield number is "01415." The Tactical Plan from Narcotics Borough Manhattan North from September 8, 2016 shows Det. Alvarez was assigned to the prisoner van. In his CCRB interview on December 2, 2016, Det. Alvarez confirmed he was present for the incident. He also had a memo book entry regarding the incident.

§ 87(2)(b) described PO2, one of the officers who stopped him, as a dark-skinned Hispanic male between 5'2" and 5'3" in height, 190 pounds in weight, and between 30-40 years old. According to his service photo, Det. Bonilla is a Hispanic male, who is 5'11" tall, weighs 225 pounds, has brown eyes, brown hair and is 31-years-old. § 87(2)(b) stated PO2's shield number was "2196." Det. Bonilla's shield number is "2196." The Tactical Plan from September 8, 2016 shows Det. Bonilla was assigned as one of the team leaders. In his CCRB interview, Det. Alvarez confirmed Det. Bonilla was present for the incident. § 87(2)(b) described PO3, one of the officers who stopped him, as a white male between 5'2" and 5'3" in height, 190 pounds in weight, and between 30-40 years old. According to his service photo, Lt. Thomas Fabrizi is a white male who stands 5'8" in height and weighs 200 pounds, with brown hair, brown eyes and is 35-years-old. § 87(2)(b) stated PO3's shield number was "23722." As a lieutenant, Lt. Fabrizi does not have a shield number. The Tactical Plan shows Lt. Fabrizi was

assigned as one of the team leaders on September 8, 2016. In his CCRB interview, Det. Alvarez confirmed Lt. Fabrizi was present for the incident. Lt. Fabrizi is mentioned in Det. Alvarez's memo book regarding the incident.

On September 15, 2016, § 87(2)(b) was offered mediation during his in-person CCRB interview. § 87(2)(b) agreed to mediate the case because he wanted to speak to the officers about the incident.

Results of preparing the case for mediation

On December 6, 2016, George Alexander, in the Alternative Dispute Resolution (ADR) Unit, reviewed this case and put it into the mediation process. On the same date, § 87(2)(b) left § 87(2)(b) a message informing him that his case was being processed.

On December 19, 2016, § 87(2)(b) received a signed and dated Mediation Opt-Out Form which indicated that § 87(2)(b) was no longer interested in pursuing the complaint, was withdrawing his complaint of his own free will and was not coerced by anyone from the NYPD or CCRB. On December 19, December 21 and December 27, § 87(2)(b) attempted to contact § 87(2)(b) to confirm that § 87(2)(b) was no longer interested in pursuing the complaint. As of this date, § 87(2)(b) was unable to reach § 87(2)(b). On December 27, 2016, § 87(2)(b) conducted a NYC Department of Correction Inmate Lookup Service search for § 87(2)(b). Results were negative.

§ 87(2)(b)

Recommendation

Given § 87(2)(b) inability to contact § 87(2)(b) to confirm that § 87(2)(b) was withdrawing the complaint of his own free will and was not coerced by anyone from the NYPD or CCRB, § 87(2)(g)

Mediation Coordinator:

Date:

Director of Mediation:

Date:

